

II. Claims 1, 4, 6, 8, and 11 Are Not Anticipated by Cho et al.

At page 2 of the present Office Action, claims 1, 4, 6, 8, and 11 stand rejected as being anticipated by Cho et al. (JP 63236847). The Examiner asserts that Cho et al. teaches each and every element of Applicant's claimed subject matter. Applicant respectfully traverses the rejection.

Applicant's invention is directed to a device and method for delivering a therapeutic agent to an animal that includes a carrier having a negatively charged surface and one or more cationic antimicrobial substances in a saliva soluble form. The negatively charged surface serves to retain the one or more cationic antimicrobial substances to the carrier. An alkali metal salt is also included to promote the solubility of the cationic antimicrobial substance in saliva.

Embodiment 2 of Cho et al. does not disclose any cationic antimicrobial substance in combination with an alkali metal salt. Embodiment 2 only discloses 1-menthol, which is neutral, and sodium saccharine. Embodiment 1 of Cho et al. discloses cetyl pyridinium chloride but no alkali metal salt. Thus, there is no disclosure in Cho et al. of using an alkali metal salt with a cationic antimicrobial substance to promote solubility of the cationic antimicrobial substance. Accordingly, Cho et al. does not anticipate claims 1, 4, 6, 8 and 11.

In addition, Cho et al. does not anticipate claims 1 and 8 because applicant believes that the active ingredient of Cho is not in a saliva soluble form due to the compounding of the active ingredient into the gelatin during the formation of the viscous material used to form the capsule and the resulting drying process to produce the capsule. The active ingredient cannot be released due simply to the action of saliva as with the present invention. Rather, as indicated by Cho, the action of chewing is required to release the active ingredient.

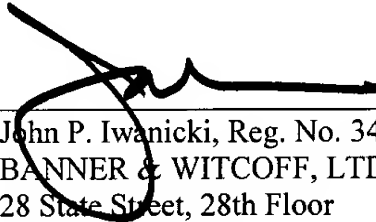
The delivery device of the present invention releases cationic antimicrobial substances upon contact with the saliva and does not require chewing for release of the antimicrobial substances. The solubility of the cationic antimicrobial substance in the saliva is promoted by the alkali metal salt. Thus, the delivery device of the present invention differs greatly from the capsule of Cho et al., which is designed to release the ingredient upon chewing only and not by the action of saliva. Accordingly, Cho et al. fails to anticipate the claimed invention.

III. Conclusion

Having addressed all outstanding issues, Applicant respectfully requests reconsideration and allowance of claims 1, 4, 6, 8 and 11.

Respectfully submitted,

Dated: June 7, 2002



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